

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

WELLS FARGO BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE, ON BEHALF OF  
THE REGISTERED HOLDERS OF CD 2017-CD3  
MORTGAGE TRUST, COMMERCIAL MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2017-  
CD3,

Plaintiff,

- against -

16 EAST 40 REALTY, LLC, NADER HAKAKIAN,  
ALBERT MONASEBIAN, MOVING STAIRS, INC.,  
A&D ENTRANCES INC., CITY OF NEW YORK  
ENVIRONMENTAL CONTROL BOARD, NEW  
YORK CITY DEPARTMENT OF FINANCE, AND  
JOHN DOE #1 THROUGH JOHN DOE #50,

Defendants.

Case No. 1:23-CV-08109-JGLC

**NOTICE OF MOTION FOR SUMMARY JUDGMENT AND OTHER RELIEF**

**PLEASE TAKE NOTICE** that, upon the accompanying Declarations of Matthew Furay and Alissa K. Piccione dated October 21, 2024 and October 23, 2024, respectively, together with the exhibits annexed thereto, the Memorandum of Law in Support dated October 23, 2024, and upon all prior pleadings and proceedings heretofore had herein, Plaintiff Wells Fargo Bank, National Association, as Trustee, on behalf of the Registered Holders of CD 2017-CD3 Mortgage Trust, Commercial Mortgage Pass-Through Certificates, Series 2017-CD3 ("Plaintiff"), acting by and through K-Star Asset Management LLC, a Delaware limited liability company, as special servicer, will move this Court before the Honorable Jessica G. L. Clarke, United States District Judge, at the United States Courthouse located at 500 Pearl Street, Courtroom 11B, New York, New York 10007, on a date to be determined by the Court, for entry of an order: (a) pursuant to Fed. R. Civ. P. 56, granting Plaintiff summary judgment on Plaintiff's foreclosure and related

claims in the Verified Second Amended Foreclosure Complaint, dated June 3, 2024 [ECF No. 52] and striking the Answer to Second Amended Foreclosure Complaint, dated June 25, 2024 [ECF No. 55], that Defendants 16 East 40 Realty, LLC, Nader Hakakian, and Albert Monasebian (collectively, the “Borrower Defendants”) jointly interposed in this action; (b) pursuant to Fed. R. Civ. P. 55(b)(2), entering a default judgment against nominal Defendants Moving Stairs, Inc., A&D Entrances Inc., City of New York Environmental Control Board, and New York City Department of Finance; (c) finding that the amount due to Plaintiff under the Loan Documents as of October 18, 2024 equaled \$40,187,250.85; and (d) finding that Borrower Defendants are personally liable, jointly and severally, for any deficiency remaining if the net proceeds from the foreclosure sale are less than the amounts due and owing to Plaintiff.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to this Court’s September 30, 2024 Memo Endorsement [ECF No. 63], opposing affidavits and answering memorandum of law, if any, shall be served on the undersigned via ECF on or before November 25, 2024.

Dated: New York, New York  
October 23, 2024

**REED SMITH LLP**

By: Alissa K. Piccione

Alissa K. Piccione

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